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No. 547

FILED
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JAMES R. BROWNING, C

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

WILLIAM A. SMITH and WILLIAM J. REYNOLDS,
Petitioners,

v.

STATE OF TENNESSEE,
Respondent.

ANSWER TO PETITION FOR WRIT OF CERTIORARI.

GEORGE F. McCANLESS,
Attorney General,
State of Tennessee.

THOMAS E. FOX,
Assistant Attorney General,
State of Tennessee.

ST. LOUIS LAW PRINTING CO., INC., 415 N. Eighth Street. CEntral 1-4477.

INDEX.

	Page
Jurisdiction and questions presented	2
Evidence relied upon by the State	2
Brief and argument	5

Cases Cited.

Holt v. U. S., 218 U. S. 245, 31 S. Ct. 2, 54 L. ed. 1021	6
Howell v. State, 27 S. W. 2d (Ark.) 952	6
Hurtado v. California, 110 U. S. 516, 535	5
Leach v. State, 31 Ala. App. 390, 18 So. 2d 285	6
Leeper et al. v. State of Texas, 35 L. ed. 225, 139 U. S. 462	5, 7
Marable v. State, ... Tenn. ..., 313 S. W. 451	5
Marshall v. U. S., 360 U. S. 310, 79 S. Ct. 1171, 3 L. ed. 2d 1250	6
Mesarosh et al. v. U. S., 116 Fed. Sup. 345	6
People v. Malmenato, 150 N. E. 2d (Ill.) 816	6
Shepherd v. Florida, 95 L. ed. 740, 341 U. S. 50, 71 S. Ct. 549	6
Steadman v. State, 199 Tenn. 66, 282 S. W. 2d 777	6
Watson v. City of Bozeman, 117 Mont. 5, 156 P. 2d 178	6

Textbook Cited.

22 C. J. S. 954	5

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ANSWER TO PETITION FOR WRIT OF CERTIORARI.

MAY IT PLEASE THE COURT:

The petitioners pray that a writ of certiorari issue by this Honorable Court to review an opinion of the Tennessee Supreme Court dated July 27, 1959, in the case of William A. Smith and William J. Reynolds v. State of Tennessee, not yet officially reported, but unofficially reported in 327 S. W. 2d 308. The denial of a petition to rehear in this cause was announced September 23, 1959, and is unofficially reported on page 327 of the same book and volume referenced above.

JURISDICTION AND QUESTIONS PRESENTED.

The petitioners seek to invoke the jurisdiction of this Court on the grounds that they were deprived of their rights guaranteed by the Fourteenth Amendment, Constitution of the United States, because of the opinion of the Tennessee Supreme Court. Their specific grounds are:

(1) The District Attorney General for the State of Tennessee, during the prosecution of the case in the trial court, was permitted to ask the petitioners if they had not claimed their privilege guaranteed them by the Fifth Amendment, Constitution of the United States, not to answer questions asked them before the Senate Rackets Committee (McClellan Committee) Washington, D. C.

(2) The jurors, during the trial of the case, read newspaper articles and listened to radio and television programs which reported incidents that took place during the trial of the case, that the trial judge would not allow to be presented to the jury in the courtroom.

(3) The prosecuting attorney, over objections of the defense counsel, asked prospective jurors on voir dire in the presence of other jurors if they were personally acquainted with Dave Beck, Jimmy Hoffa, and other officials of the Teamsters Union and during the trial of the case the trial judge made the statement that the only parties in interest in this case were the B&S Motor Truck Lines and the Teamsters Union.

EVIDENCE RELIED UPON BY THE STATE.

Counsel for the petitioners selected from the record in this case certain excerpts which must be considered in proper context along with other evidence in the case. In support of their second contention to the effect that the members of the jury were permitted to read newspaper

accounts and listen to radio and television programs regarding the case, they did not point out defendant Smith's voluntary statement to the jury to the effect that he no longer answered any questions asked by police officers, newspaper reporters, or anyone else because he had read in the newspapers that he was an ex-convict in language sufficient to embarrass his ten year old son and to poison him against newspapers and certain elements of law enforcement officers (Tr. 653-658). Neither did they point out that the defendants and their counsel stood at the entrance of the Andrew Johnson Hotel in Knoxville, Tennessee, where the jurors were quartered during the trial of the case and saw the newspaper man hold up copies of the daily newspaper which contained some of the headlines complained of in the petition for the jurors to see as they passed in and out of the hotel without making the matter known to the trial judge during the trial of the case when the incident occurred (Tr. 1278). They also failed to point out the fact that all the jurors, the court officers, and some of the personnel from the Andrew Johnson Hotel were called in at the instance of the petitioners to show that the jurors had been exposed to newspaper, radio, and television reports of the case and the findings of the Senate Rackets Committee. Some of the jurors stated that they had seen headlines regarding the subject of the trial at the entrance of the hotel, that newspapers were in their rooms during the trial, and they saw television programs. One juror recalled seeing a newspaper that contained information relative to the trial but only read a portion of it since he found it somewhat dull (Tr. 1288). Another juror remembered seeing the picture of the defendants on a television news report but did not recall any statement regarding the trial or the defendants (Tr. 1358). All of the jurors testified that they based the verdict upon the evidence heard in court and the instruction of the trial judge.

In connection with the facts recited relative to the third question raised in the petition to the effect that the prosecuting counsel was permitted to ask prospective jurors if they knew Dave Beck, Jimmy Hoffa, and other Union officials, and the trial judge stated that the only parties in interest in this case were the B&S Motor Truck Lines and the Teamsters Union. The petition does not show that the statement made by the trial judge was made for the purpose of determining whether or not any prospective juror would be disqualified because of a close relation with either of the parties involved in the case and it is not clear that any of the men who actually served upon the jury was present in the courtroom at the time the statement was made (Tr. 789 and 790), nor does the petition show that a labor dispute was in progress between the B&S Motor Lines and Local No. 327, Teamsters Union of Nashville, Tennessee, and that a number of heated arguments in which violent language flowed from each side took place between the defendant Smith as a Business Agent for the Teamsters Local and the Manager of B&S Motor Lines (Tr. 35 and 573-574).

Further, the petition does not show that the record contains an abundance of facts to justify the verdict of the jury.

BRIEF AND ARGUMENT.

Counsel for the State of Tennessee submits that the petition fails to show that the defendants were denied a right to a fair trial, due process of law, guaranteed them by the Fourteenth Amendment, U. S. Constitution. This Honorable Court said in **Leeper et al. v. State of Texas,** 35 L. ed. 225, 139 U. S. 462, that by the Fourteenth Amendment the powers of states in dealing with crime within their borders are not limited except that no state can deprive particular persons, or classes of persons, of equal and impartial justice under the law. That law in its regular course of administration through courts of justice is due process, and when secured by the law of the state the constitutional requirement is satisfied; and that due process is so secured by laws operating on all alike, and not subjecting the individual to the arbitrary powers of the government unrestrained by the established principles of private right and distributive justice. **Hurtado v. California,** 110 U. S. 516, 535.

(1) The Tennessee Supreme Court found that it was not error to allow into evidence the statement Petitioner Reynolds made to a witness in the case that he was advised to take the Fifth Amendment by the Teamsters Union if called before the Senate Rackets Investigating Committee. (This statement was made to the witness about three weeks prior to the trial by Petitioner Reynolds at her home while he was requesting her to do what she could to have the trial of the case postponed) (Tr. 418-421 and 451-452). This is admissible in the Courts of this State as another circumstance to indicate the guilt of the petitioners. **Marable v. State,** ... Tenn. ..., 313 S. W. 451, and it is also the rule in other jurisdictions. 22 C. J. S. 954.

(2) The Tennessee Supreme Court, after examining the testimony relative to the seeing of newspaper and television reports by the jurors applied the rule of this Honorable Court and other Courts announced in **Holt v. U. S.**, 218 U. S. 245, 31 S. Ct. 2; 54 L. ed. 1021; **Shepherd v. Florida**, 95 L. ed. 740, 341 U. S. 50, 71 S. Ct. 549; **Marshall v. U. S.**, 360 U. S. 310, 79 S. Ct. 1171, 3 L. ed. 2d 1250; **Howell v. State**, 27 S. W. 2d (Ark.) 952; and **People v. Malmenato**, 150 N. E. 2d (Ill.) 816, in addition to a recent case decided by the Tennessee Supreme Court, **Steadman v. State**, 199 Tenn. 66, 282 S. W. 2d 777, and found that the petitioners were not prejudiced because of information obtained from the newspaper or television accounts of the trial, and that the circumstances in this case did not deprive the defendants of a fair trial or due process of law.

(3) The third contention of the petitioners to the effect that it was error for the prosecuting counsel to be permitted to ask on voir dire if the prospective jurors knew Dave Beck, Jimmy Hoffa and other Teamsters officials, the Tennessee Supreme Court said that it was proper for such question to be asked in order to determine the interest or bias, if any, of the prospective jurors. The Tennessee Supreme Court cited as authority for this proposition of law, **Leach v. State**, 31 Ala. App. 390, 18 So. 2d 283; **Watson v. City of Bozeman**, 117 Mont. 5, 156 P. 2d 178; **Mesarosh et al. v. U. S.**, 116 Fed. Sup. 345.

In view of the foregoing, counsel for the Respondent submits that there is nothing set out in the petition filed in this cause nor the record or opinion of the Tennessee Supreme Court to indicate that the law in its regular course of administration through courts of justice was not applied in this cause as required by the Fourteenth Amendment, U. S. Constitution, and in accordance with the ex-

planation contained in **Leeper et al v State of Texas**, supra.

Respectfully submitted,

GEORGE F. McCANLESS,
Attorney General,
State of Tennessee.

THOMAS E. FOX,
Assistant Attorney General,
State of Tennessee.

I certify that I forwarded a copy of this Answer to Petition for Writ of Certiorari to Mr. William A. Reynolds, Attorney at Law, 813 Market Street, Knoxville, Tennessee, counsel for the defendant, W. J. Reynolds, and a copy to Mr. Cecil B. Branstetter, Attorney at Law, Stahlman Building, Nashville, Tennessee, counsel for the defendant, William A. Smith, on this the ..... day of December, 1959.

Thomas E. Fox,
Assistant Attorney General,
State of Tennessee.

PETITION TO REHEAR

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STATE OF TENNESSEE,
Respondent.

PETITION TO REHEAR.

CECIL D. BRANSTETTER,
104 Stahlman Building,
Nashville, Tennessee,

WILLIAM A. REYNOLDS and
G. EDWARD FRIAR,
Hamilton National Bank Building,
Knoxville, Tennessee,

Attorneys for Petitioners.

St. Louis Law Printing Co., Inc., 415 N. Eighth Street. CEntral 1-4477.

TABLE OF AUTHORITIES

Page

Cases

Adamson v. California, 332 U. S. 46; 91 L. Ed. 1903 (1947) 5

Betts v. Brady, 316 U. S. 455; 86 L. Ed. 1595 (1941) 4

Cohen v. Virginia, 6 Wheat. 264; 5 L. Ed. 262 (1821) 7

Davis v. Wechsler, 263 U. S. 20; 68 L. Ed. 143 (1923) 8

Fikes v. Alabama, 352 U. S. 191; 1 L. Ed. 2nd 246 (1957) 11

Griffin v. Illinois, 351 U. S. 12; 100 L. Ed. 891 (1956) 6

Moore v. Dempsey, 261 U. S. 85; 67 L. Ed. 533 (1922) 8

Napue v. Illinois, ... U. S. ..., 3 L. Ed. 2nd 1217 ..... 2, 9, 11

Palko v. Connecticut, 302 U. S. 319; 82 L. Ed. 288 (1937) 4

Rochin v. California, 342 U. S. 165; 96 L. Ed. 183 (1951) 5, 8

Sweezy v. New Hampshire, 354 U. S. 234; 1 L. Ed. 2nd 1311 (1957) 10

Twining v. New Jersey, 211 U. S. 78; 53 L. Ed. 97 (1908) 3

Texts

Fundamentals of Criminal Procedure, Southern Methodist Studies in Jurisprudence IV, SMU Press (1959) 10, 12

Griswold, The Fifth Amendment Today, Harvard University Press (1955) 2

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PETITION TO REHEAR.

This is a petition to rehear an order denying a petition for a writ of certiorari in the above styled cause, filed in accordance with Rule 58 (2) of the Rules of this Court.

The petition for writ of certiorari was filed in this cause on November 27, 1959, and was denied on January 11, 1960.

The basis of the petition to rehear is the petitioners' wish to raise substantial grounds available to them although not previously presented. It is respectfully submitted by petitioners that there are left unanswered, by the denial of the writ of certiorari, certain questions basic to the administra

tion of justice by the State under the limitations of the Fourteenth Amendment to the Constitution of the United States.

A denial of a writ of certiorari does not in and of itself mean that the Court either approves or disapproves of the decision of the lower court. It is felt that in this particular case, by the denial of the writ which permits the state court decision to stand, other states in the administration of criminal justice can look to this decision as a criterion for a fair trial under the due process clause of the Fourteenth Amendment.

In view of this, petitioners will rely on one question in this petition. Such question being:

Does this Court have an obligation to make an independent examination of the record, of a state court conviction, of the facts and evidence of the case, where substantial deprivation of due process (fair trial) of the Fourteenth Amendment is alleged by the defendants, and supported by the record?[1]

Preliminary to the discussion of the obligation of this Court in regards to state court conviction, in violation of the due process clause of the Fourteenth Amendment, it would be well to first ascertain what is involved in the concept of due process. Most of the text book writers attribute the development of the concept of due process of law from the Anglo Saxon concept of Per Legem Terrae,[2] which today means those ingredients necessary to constitute a fair trial.

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[1] The Petition for a Writ of Certiorari originally filed in this cause on November 27, 1959, will be hereinafter referred to as Original Petition. See footnote 14 of the original Petition, page 19, Vol. I, page 1034, Nance v. Illinois, ... U. S. ..., 3 L. Ed. 2nd 1217.

[2] Griswold, The Fifth Amendment Today, Harvard University Press (1955), p. 81.

The application of the due process clause of the Fourteenth Amendment to state criminal action has long been recognized. In the controversy that has raged around what amendments of the Bill of Rights were incorporated into the Fourteenth Amendment, one fact has been clear, that is the due process clause of the Fifth Amendment, meaning a fair trial, is incorporated into the Fourteenth Amendment. This Court, in so holding, not only stated the fact, but explained the reason for such inclusion, as well as throwing considerable light on the concept of due process, in **Twining v. New Jersey.**[3] There the Court stated, in discussing the relation between the Fifth and Fourteenth Amendments and the incorporation of due process of the Fifth Amendment into the Fourteenth Amendment, that such were:

> "Not because these rights are enumerated in the first eight amendments, but because they are of such a nature that they are included in the conception of due process of law. Few phrases of the law are so illusive of exact apprehension as this . . . This court has always declined to give a comprehensive definition of it, and has preferred that its full meaning should be gradually ascertained by the process of inclusion and exclusion in the course of the decisions of cases as they arise. There are certain general principles, well settled, however, which narrow the field of discussion, and may serve as helps to correct conclusions. These principles grow out of the proposition universally accepted by American courts on the authority of Coke, that the words 'due process of law' are equivalent in meaning to the words 'law of the land', contained in . . . the Magna Charta . . . This Court has never attempted to define with precision the words 'due process of law' . . . It is sufficient to say that there are certain immutable principles suggested which

[3] 211 U. S. 78; 53 L. Ed. 97 (1908).

adhere in the very idea of free government, which no member of the union may disregard."[4]

Again this Court, in **Betts v. Brady**,[5] stated:

> "The due process clause of the Fourteenth Amendment does not incorporate, as such the specific guarantees found in the Sixth Amendment, although a denial by a state of rights or privileges specifically embodied in that and others of the first eight amendments, may, in certain circumstances, or in connection with other elements, operate, in a given case, to deprive a litigant of due process of law in violation of the Fourteenth Amendment."[6]

Denial of these rights is to be tested by an appraisal of the totality of facts in a given case.

One of the leading cases in a discussion of the concept of due process of the Fourteenth Amendment is **Palko v. Connecticut**,[7] where Justice Cardozo dealt in a succinct manner with those guaranties of the Fifth Amendment brought in to the Fourteenth Amendment. He enumerated those rights that are excluded, such as indictment by a grand jury, the right of self-incrimination, etc., in state tribunals. But he concludes:

> "In these and other situations immunities that are valid as against the federal government by force of the specific pledges of particular amendments have been found to be implicit in the concept of ordered liberty, and thus, through the Fourteenth Amendment, become valid as against the States.

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[4] Ibid, at pp. 99 to 102.

[5] 316 U. S. 455; 86 L. Ed. 1595 (1941).

[6] Ibid, at p. 461.

[7] 302 U. S. 319; 82 L. Ed. 288 (1937).

"If the Fourteenth Amendment has absorbed them, the process of absorption has had its source in the belief that neither liberty nor justice would exist if they were sacrificed . . . Fundamental too, is the concept of due process, and so is that of liberty, is the thought that condemnation shall be rendered only after trial. (Cases cited therein.) The hearing, moreover, must be a real one, not a sham or a pretense . . . Does it (denial of certain rights) violate those fundamental principles of liberty and justice, which lie at the base of all our civil and political institutions?"[8]

This test of Justice Cardozo has been used by this Court in other cases to determine whether or not due process has been denied. (See **Adamson v. California,** and **Rochin v. California.**)[9] The Rochin case contains an excellent discussion of the concept of due process of the Fourteenth Amendment and its relation to State criminal proceedings. In the **Rochin** case, the Court, again struggling with the definition of the concept of due process, stated:

"Even though the concept of due process of law is not finally fixed, these limits are derived from considerations that are fused in the whole nature of our judicial process . . . These are considerations deeply rooted in reason and in the compelling traditions of the legal profession . . ."

"Due process of law, thus conceived, is not to be derided as a resort to a revival of 'natural law'. To believe that this judicial exercise and judgment could be avoided by freezing 'due process of law' at some fixed stage of time or thought, is to suggest that the most important aspect of constitution adjudication is

[8] Ibid, at pp. 326-328

[9] 332 U. S. 46; 91 L. Ed. 1903 (1947); 342 U. S. 165; 96 L. Ed. 183 (1951)

a function of inanimate machines and not the judges . . .

"The faculties of the Due Process Clause may be indefinite and vague, but the mode of their ascertainment is not self-willed, and each case 'due process of law' requires an evaluation based on a disinterested inquiry pursued in the spirit of science, on a balanced order of facts, exactly and fairly stated on a detached consideration of conflicting claims (Cases cited therein). On a judgment not ad hoc and episodic but duly mindful of reconciling the needs of both continuity and of change in a progressive society."[10]

In **Griffin v. Illinois**,[11] this Court, in discussing due process, stated:

"Due process is, perhaps, the least frozen concept of our law—the least confined to history and the most absorptive of powerful social standard and a progressive society. But neither the unfolding content 'due process' nor the particularized safeguard of the Bill of Rights disregard procedural ways that reflect the national historic policy."[12]

The Court in **Sweezy v. New Hampshire**,[13] said:

"The implication of the United States Constitution for . . . 'the concept of ordered liberty' implicit in the due process clause of the Fourteenth Amendment as against the State (cases cited), were not frozen as of 1789 or 1868, respectively. While the language of the Constitution does not change, the changing circumstances of progressive society for which it was de-

[10] Ibid. 342 U. S. at pp. 168-172.

[11] 351 U. S. 12; 100 L. Ed. 891 (1956).

[12] Ibid. at pp. 20, 21.

[13] 354 U. S. 234; 1 L. Ed. 2nd 1311 (1957).

signed gives new and fuller import to its meaning (Cases cited therein)."[14]

These cases do not by any means exhaust the definition of "due process of law" as contained in the Fourteenth Amendment when applied to state action. The purpose of these quotations is to illustrate the struggle the Court has had in attempting to define this abstract concept. In essence, it can be said that due process is that which is essential to a well-ordered liberty. One is compelled to turn to synonyms and other terms of like meaning in attempting to define well-ordered liberty. But as is repeatedly pointed out by this Court, the concept of due process is not a frozen one, but is a vital concept that changes from time to time and is utilized by the Court to meet such changing circumstances. However, despite this understanding of due process as a fluid concept, it can be said that due process is equated with a fair trial and a fair trial seeks to do justice. When one reads about a trial that frustrates justice by the absence of due process, one is, in the words of Justice Holmes, made to feel like he should vomit.[15]

Part of the question presented by petitioners, in this petition to re-hear, deals with the obligation of this Court to make independent examination of the record of state court convictions and the facts in evidence when the record shows that due process has been denied.

As early as 1821 in **Cohen v. Virginia**,[16] Chief Justice Marshall said:

> "The exercise of appellate power over the judgment of the state tribunals, which may contravene the con-

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[14] Ibid. at p. 206.

[15] See Original Petition, pp. 5-10, inclusive.

[16] 6 Wheat. 264; 5 L. Ed. 262 (1821).

stitution and laws of the United States, is, we believe, essential to the attainment of these objects (for which the national government was formed)."[17]

In **Davis v. Wechsler**,[18] Justice Holmes stated:

"If the constitutional laws of the United States are to be enforced, this Court cannot accept as final decisions of state tribunals as to whether facts alleged give rise to the right to bar the assertion of it even upon local grounds." (Cases cited therein)"[19]

In **Moore v. Dempsey**,[20] Justice Holmes said:

"We shall not say more concerning the corrective process afforded to petitioners than that it does not seem to us sufficient to allow a judge of the United States to escape the duty of examining the facts for himself, and when, if true, as alleged, make the trial absolutely void."[21]

One of the most succinct statements of the Court's duty in reviewing state criminal proceedings is contained in **Rochin v. California**.[22] The Court, after acknowledging its duty to be "deeply mindful of the responsibility of the states for the enforcement of criminal law", said:

"However, this Court too has its responsibility. Regard for the requirements of the Due Process Clause 'inescapably imposes upon this Court an exercise of judgment upon the whole course of the proceedings (resulting in a conviction) in order to ascertain

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[17] Ibid. at p. 415

[18] 263 U. S. 20; 68 L. Ed. 143 (1923)

[19] Ibid. at p. 24

[20] 261 U. S. 86; 67 L. Ed. 533 (1922)

[21] Ibid. at p. 92

[22] Supra, Note 9, 342 U. S. 165; 96 L. Ed. 183 (1951)

whether they offend those canons of decency and fairness which express the notions of justice of English-speaking peoples even toward those charged with the most heinous offenses.' "

"The Court's function in the observance of this settled conception of the Due Process Clause does not leave us without adequate guides in subjecting State criminal procedures to constitutional judgment."[23]

This Court has established its right, in reviewing state courts, that it can reach a different factual situation than that reached by the State Court. In **Napue v. Illinois**,[24] this Court stated:

"The duty of this Court to make its own independent examination of the record when federal constitutional deprivations are alleged is clear, resting, as it does, on our solemn responsibility for maintaining the Constitution inviolate. (Cases cited therein.)":

" 'In cases in which there is a claim of denial of rights under the Federal Constitution, this Court is not bound by the conclusions of lower courts, but will reexamine the evidentiary basis on which those conclusions are founded.'

"It is now so well settled that the Court was able to speak in (cases cited therein), of the 'long course of judicial construction which establishes as a principle that the duty rests on this Court to decide for itself facts or constructions upon which federal constitutional issues rest.' "[25]

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[23] Ibid. at p. 169.

[24] Supra, Note 1.

[25] Ibid. at p. 1222.

In light of the above cases, it is respectfully submitted that the function of this Court was stated with eloquence and insight by Mr. Charles Fairman at the 1958 Conference on Law and Society of the Southwestern Legal Foundation. There he stated, in regards to this Court:

> "The Court has become the keeper of the nation's conscience. This is not a power that it snatched. This is a result of our history. It is an authentic product of our national experience. I would make bold to say that, in a very real sense, it is even more authentic than some Founder's utterance that may have been recorded in Madison's Debates, or than views expressed in the Federalist Papers. The country has come to expect that the Court will evolve, out of the constitutional text, a fundamental law that will indeed establish justice and secure the blessings of liberty.
>
> "This is especially true of the Fourteenth Amendment. The Thirty-ninth Congress, which framed it, employed broad language—not specific prescriptions. The Congresses that have come and gone have done little with the grant of power to enforce the Amendment. It has been left to the Court, passing upon individual claims raised in the course of orderly litigation, to build up this branch of constitutional law. Often there is criticism, sometimes well-founded criticism, of trends in decisions. Yet the duty to maintain a national standard of just dealing, by which state action will be measured, remains fastened upon the Court."[26]

This Court has, through a series of cases, sought to give some definitive meaning to Due Process. In seeking to breath life into that concept, this Court has stated that it

[26] Fundamentals of Criminal Procedure, Southern Methodist University Studies in Jurisprudence IV, SMU Press (1958), pp. 71-72.

has an obligation to review state court convictions where such is lacking, and even make an independent determination of the facts. In view of this, it is respectfully submitted that due process was lacking in this case. For support of this statement, see the Original Petition filed herein, and especially pages five to nineteen.

There is little doubt that if this had been perjured testimony introduced this Court would have little difficulty in reversing the state decision.[27] There is likewise little doubt that if this was a coerced confession this Court would have little difficulty in reversing the case.[28]

In view of this, the question can logically be asked: What is the difference between the violation of one's constitutional rights by permitting the introduction of a coerced confession; or the violation of one's constitutional rights by permitting the introduction of perjured testimony; and the violation of one's constitutional right to due process (fair trial) by having a prejudiced jury as a result of influence of matters outside of the Court. Reason and justice, in light of one U. S. Citizenship, demand more.

> "We are all members of one great body—the United States of America. Injustice toward even the least worthy human being among us may arouse the concern of all—and, if chronic, will call forth remedies in the courts of the nation. It is, of course, far better that procedure in first instance be so fair that there will be no reason for reversal on appeal. It is far better that, if injustice occur, it be corrected with the state's own courts. The only means of averting federal review, however, is to establish, in daily practice, so rational, so effective, so even-handed an administration

[27] *Napue v. Illinois*, supra, Note 1.

[28] *Blackburn v. Alabama*, 352 U. S. 191, 1 L. Ed. 2nd 240, (1957).

of criminal justice as to give no ground for interference. The beneficient requirements of the Fourteenth Amendments, as construed by the Supreme Court, exact nothing not easily attained by any state animated by a lively sense of its own responsibility for the manner in which its own law is administered."[29]

"Constitutionalism as here understood is not the same as majority rule. One principal purpose of constitutionalism, and the one here studied, is to establish certain protections of individuals and minorities as against the majority. In this area a constitutional tribunal at times must interpose itself between an individual and the righteous anger of a great majority of his fellows. That the tribunal thus may bring the wrath of the majority on its own head makes the performance of this duty no less imperative. It is in such a setting that the real struggles of individual human liberty under law must be won."[30]

Respectfully submitted,

CECIL D. BRANSTETTER,
104 Stahlman Building,
Nashville, Tennessee,

WILLIAM A. REYNOLDS and
G. EDWARD FRIAR,
Hamilton National Bank Building,
Knoxville, Tennessee,

Attorneys for Petitioners.

[29] Supra, Note 26, at pp. 81

[30] Ibid, at pp. 3-4

Certification

I hereby certify that the foregoing petition to rehear, filed in accordance with Rules 58 (2) of the Rules of the Supreme Court of the United States, is filed in good faith and not for the purpose of delay, and I further certify that the petition herein is restricted to the grounds above specified.

Cecil D. Branstetter

Certificate of Service

I, Cecil D. Branstetter, attorney for petitioners herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that copies of the foregoing Petition to Rehear were this day served on adverse parties herein in accordance with Supreme Court Rules 21 (4) and 33 by depositing the same in the U. S. Post Office at Nashville, Tennessee, with first class mail postage prepaid addressed to counsel of record at his post office address, as follows:

Hon. George F. McCanless, Attorney General of Tennessee, Supreme Court Building, Nashville, Tennessee, and Hon. Tom Fox, Assistant Attorney General of Tennessee, Supreme Court Building, Nashville, Tennessee.

Cecil D. Branstetter

January ____, 1960